

SENATE BILL 749
By Miller

AN ACT to amend Tennessee Code Annotated, Title 70,
Chapter 4, Part 1, relative to permission to hunt
upon the lands of another.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-4-106, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1)

(A) Notwithstanding the provisions of subsection (a), it is unlawful for any person to hunt, take, chase, trap or kill any game as defined in § 70-1-101 upon lands posted with signs approved by the wildlife resources agency bearing the language "Hunting By Written Permission Only" and bearing the name of the landowner or the person in possession or control of such lands, without having first obtained the written permission of or being accompanied by the landowner or the person in possession or control of such lands and having authority from the owner to give such permission. Every person who hunts, takes, chases, traps or kills any game on such lands shall have such written permission in immediate possession at all times and shall display the same upon demand of an officer of the wildlife resources agency, sheriff or other peace officer charged with the enforcement of the laws of this state. Written permission shall not be required of the landowner, the landowner's dependents, the person in possession or control of such lands, or the dependents of the person in possession or control of such lands.

(B) The signs posted pursuant to this subsection must be posted by either of the following methods:

(i) The signs must be visible at all major points of ingress and at one hundred yard (100 yd.) intervals on the perimeter of the lands being posted; or

(ii) The signs must be visible at all major points of ingress and at two hundred fifty yard (250 yd.) intervals on the perimeter of the lands being posted accompanied by fluorescent visual markings. Such fluorescent visual markings must be at least one inch (1") wide and four inches (4") long and shall be at fifty yard (50 yd.) intervals including the two hundred fifty yard (250 yd.) interval where signs are placed. The division of forestry, in cooperation with the department of agriculture and the wildlife resources agency, shall determine a unique universal paint color or colors to be used for these property boundary markings.

(C) Any person who posts signs pursuant to this subsection without authorization from the landowner is subject to the penalties imposed by subdivision (b)(2).

(2)

(A) The first violation of this subsection is a Class C misdemeanor. The second or subsequent violation of this subsection is a Class A misdemeanor. Upon conviction for the first violation of this subsection, the court may revoke the license of the person convicted. Upon conviction for a second or any subsequent violation of this subsection, the court shall revoke the license of the person convicted of such subsequent violation. Any license so revoked shall be surrendered to the court.

(B) The provisions of this subsection are enforceable and may be prosecuted by all officers of the wildlife resources agency, sheriffs and other peace officers charged with the enforcement of the laws of this state.

(C) An affidavit from the landowner or the person in possession or control of such lands stating that the property on which the violation occurred was properly posted in accordance with the provisions of this section shall create an inference that such lands were properly posted.

SECTION 2. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.